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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Oettinger, et al.

Confirmation Number: 3799

Appl. No.: 10/763,051

Art Unit: 2882

Filed: January 22, 2004

Examiner: Kao, Chih Cheng G.

INTEGRATED X-RAY SOURCE MODULE

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER UNDER 37 CFR 1.321(c) TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

The owner, Inpho, Inc. and Newton Scientific, Inc., of 100% interest in the above-referenced application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent issuing from prior pending patent application serial number 10/370,783. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the patent issuing from the prior pending patent application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims

canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,

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